



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 6959-99
22 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 August 1982 at age 18. You served without incident until 10 July 1984, when you were arrested by civil authorities on charges of assault and battery with intent to kill. Subsequently, on 31 July 1984 you received nonjudicial punishment for use of marijuana.

On 17 August 1984 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse and commission of a serious offense. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge by reason of misconduct due to commission of a serious offense on 31 August 1984. On your DD Form 214, your separation station was "MCRDEP (ACU) Parris Is SC 29905".

On 15 October 1984 you were convicted by civil authorities of assault and battery of a high and aggravated nature.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your use of drugs and serious misconduct in the civilian community. Therefore, the Board concluded that no change to the discharge is warranted.

Concerning your request to change item 8 on your DD Form 214, the Board could not find any error in the location of your separation station, and you have not given the Board any reason to change it. The location of your separation would not necessarily be the unit which you were previously attached.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director